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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/747,961

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Eugene George Olczak

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FOLEY AND LARDNER LLP

SUITE 500

3000 K STREET NW

WASHINGTON, DC 20007

EXAMINER

TRUONG, BAO Q

ART UNIT

PAPER NUMBER

2875

MAIL DATE

DELIVERY MODE

05/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/747,961

Applicant(s)

OLCZAK, EUGENE GEORGE

Examiner

Bao Q. Truong

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 10-13 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9, 14 and 16 is/are rejected.
- 7) ☒ Claim(s) 5, 15 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. This application contains claims 10-13 drawn to an invention nonelected without traverse in the reply filed on 11/21/2006. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "*second surface structure function having characteristics to provide additional diffusion to the light incident on the substrate*" of claims 1, 4, 14, and the "*second surface structure function provides that the at least one prism has a bowed shaped*" of claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the reference number 100 in paragraph [0043].

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

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number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 6, 7, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Fong et al. [US 6,280,063 B1].

Regarding claims 1 and 14, Fong et al. discloses an optical substrate [30] having a first surface structure function [at 40], a second surface structure function [at 34], the first surface structure [at 40] providing a prism cross section structure with two curved sides [at 36 and its opposite side], both the first surface structure function [at 40] and the

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second surface structure function [at 34] encompassing the two curved sides [at 36 and its opposite side], and the second surface structure function [34] having characteristics to provide addition diffusion [cause of 38] to the light incident on the substrate (figure 2, column 3 lines 50-65).

Regarding claim 2, Fong et al. discloses the second surface structure function is random (figure 2).

Regarding claim 3, Fong et al. discloses the curved sides having a parabolic shape (figure 2).

Regarding claim 6, Fong et al. discloses the second surface structure function provides a prism having a bowed shape [near 34] (figure 2).

Regarding claim 7, Fong et al. discloses a plurality of prism structure having a prescribed peak angle, a height, a length and a pitch (figure 2).

Regarding claim 16, Fong et al. discloses a backlight display device having a light source, a light guide, and a reflective device [inherently from a backlight liquid crystal displays] (column 1 lines 63-65).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fong et al. in view of Ookawa et al. [US 6,628,460].

Regarding claims 8 and 9, Fong et al. discloses a prism having a peak angle and material of the prism, but does not clearly disclose the peak angle being greater than 90 degree/ or approximately 100 degree and the refractive index being between 1.65 and 1.8.

Ookawa et al. discloses an optical substrate having a prism structure with a peak angle in range of 80 to 100 degree and a refractive index of 1.6 or more (column 5 lines 50-67).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the peak angle and material structure of the optical substrate of Fong et al. with the peak angle and the refractive index as taught by Ookawa et al. for purpose of enhancing the luminance of the planar light source device.

Allowable Subject Matter

8. Claim 4 is allowed.

The reasons for the indication of allowable subject matter of claim 4 have been indicated in the previous office action.

9. Claims 5, 15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The reasons for the indication of allowable subject matter of claims 5, 15 and 17 have been indicated in the previous office action.

Response to Amendment

10. Applicant's arguments filed 3/20/2007 have been fully considered but they are not persuasive.

Drawings, the applicant should point out in the drawings that where the subject matters of claim 1 are, rather than direct the examiner to the paragraphs [0042], [0063], [0064] in the specifications. Moreover, the reference number of "a facet 100" of FIG. 21 has not shown in the drawing.

Claim 1, the applicant recites that Fong (Fong et al. U.S. 6,280,063 B1) fails to disclose "*both the first surface structure function and the second surface structure function encompassing the two curved sides*". However, Fong discloses both the first surface structure function [at 40, upper surface] and the second surface structure function [at 34, lower surface] encompassing [the curved sides of the prism located therebetween] the two curved sides [at 36 and its opposite side] (figure 2). Moreover, the applicant should clearly point out to the examiner in the drawing that where "the first surface structure function" and "the second surface structure function" are; and where "both the first surface structure function and the second surface structure function encompassing the two curved sides" is.

In view of above claim 1 and its dependent claims are unpatentable.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

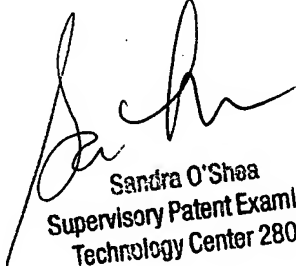
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bao Q. Truong
Examiner
Art Unit 2875



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800